

TAUNTON DEANE BOROUGH COUNCIL

ERECTION OF 7 No AFFORDABLE DWELLINGS WITH ASSOCIATED ACCESS, BIN AND CYCLE STORE, PARKING AND LANDSCAPING ON LAND ADJACENT TO NEW ROAD, WEST BAGBOROUGH

Location: LAND ADJACENT TO NEW ROAD, WEST BAGBOROUGH,
TAUNTON, TA4 3EW

Grid Reference: 316185.133294

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval subject to the applicant entering into an appropriate legal agreement to secure:

- £2,904.00 for each 2+ bed dwelling for children's play facilities within the vicinity of the development.
- £1,571.00 per dwelling towards active outdoor recreation.
- £209.00 per dwelling for allotment provision.
- £1,208.00 per dwelling towards community hall provision.

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A1) DrNo 3236/001 Rev B Proposed Elevations and Floor Plans for Plots 1-4
(A1) DrNo 3236/002 Rev B Proposed Elevations and Floor Plans for Plots 5-7
(A4) DrNo 3236/003 Location Plan
(A3) DrNo 3236/004 Rev B Block Plan
(A3) DrNo 3236/005 Bin and Bike Store
(A3) DrNo 3236/006 Rev D Proposed Site Layout
(A3) DrNo 3236/007 Site Sections

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) Order 1995 (as amended), no windows or other form of opening shall be introduced into the north-eastern elevations of either unit 1 or unit 7 without the prior grant of planning permission in that behalf.

Reason: To protect residential amenity.

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the amenities of the area, and to accord with policies CP8 and DM1 of the adopted Taunton Deane Core Strategy.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development) whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenities of the area, and to accord with policies CP8 and DM1 of the adopted Taunton Deane Core Strategy.

6. The proposal hereby granted shall be carried out strictly as specified in the 'Conclusions and recommendations' proposed in the 'Ecological Appraisal' prepared by 'greenecology', and dated July 2012 and the subsequent 'Reptile survey results and mitigation strategy dated 19th August 2013. This document forms part of the permission hereby granted and the further survey work it requires and the timing for works specified will need to be carried out in full as stated under the supervision of a competent and suitably qualified expert.

Reason: To ensure that all ecological matters are appropriately addressed and taken account of as required by European and National legislation and to ensure accordance with the National Planning Policy Framework and the adopted Taunton Deane Borough Council Core Strategy Policies CP8 and DM1 (c).

7. (i) Any work carried out to trees to be retained on site shall be with the written approval of the Local Planning Authority. Such work will be to British BS 3998: 1989 as a minimum standard.
(ii) The development hereby approved shall not commence, and no materials shall be brought onto site, until all the trees to be retained on

site are protected by fencing as per BS 5837: 1991. This will either be chestnut pale fencing or a scaffold structure 2.4 metres high supported durable man-made sheeting (either plywood or OSB of an exterior grade). Chestnut pale fencing will be to BS 1722: Part 4: 1989, as a minimum standard. This will consist of 1.200 mm pales, wired together as per standard, supported on three line wires, secured to fencing posts to a minimum standard of: 1800 mm long, 7 mm (3") top, driven 500 mm into the ground. In addition, straining posts, 1800 mm long by 100 mm (4") top, strutted where a change of direction occurs, will be installed at all ends and corners, at changes of direction, or acute changes of level, and at intervals no exceeding 50 m in straight lengths of fence. The fence will be installed upright, with all posts firmly bedded in the ground and line wires tensioned, and shall be maintained in such a condition throughout the duration of the development.

- (iii) The fence shall be installed no closer to the trunk of the retained tree than the edge of the drip line of the canopy or a distance equivalent to half the height of the tree, whichever is the greater.
- (iv) The area beneath the tree and between the trunk of the tree and the fence will be kept clear and undisturbed at all times. No materials shall be stored within the fenced area; the levels of the land within the fenced area shall not be altered, and no seepage of oils, fuels or chemicals (including cement and cement washings) which may be harmful to trees shall be allowed onto the fenced area.
- (v) No trenches for service runs, or any other excavations shall take place within the fenced area.
- (vi) No soil or other surface material shall be removed from the fenced area except by written permission of the Local Authority. Where such a permission is granted, materials shall be removed manually, without powered equipment, taking adequate precautions to prevent damage to tree roots.

Reason: To ensure that all existing trees on the site are adequately protected while development is in progress, and to accord with policies CP8 and DM1 of the adopted Taunton Deane Core Strategy.

- 8. The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the dwellings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with retained Policy M4 of the Taunton Deane Local Plan.

- 9. Prior to the commencement of any development, details of a sustainable urban drainage system shall be submitted to and approved by the Local Planning Authority, such system as may be approved shall be installed prior to the occupation of the development. The system shall be maintained effective at all times thereafter unless otherwise agreed in writing by the Local Planning

Authority.

Reason: In order to reduce surface water run off and inappropriate discharge into nearby water courses in accordance with the National Planning Policy Framework and policy CP1(C) of the adopted Taunton Deane Core Strategy

PLEASE NOTE THAT THIS CONDITION MAY NOT BE REQUIRED IN THE EVENT OF PRE-COMMITTEE AGREEMENT ON THE ISSUE.

10. The development hereby approved shall not be commenced until details of the colour type and texture of all external materials, including hard-surfaced areas, to be used in the construction of the proposed development have been submitted to and approved by the Local Planning Authority.

Reason: To allow the Local Planning Authority to assess this element of the proposal and ensure that the development does not prejudice the character and setting of the existing building, and the area in general.

11. The development hereby approved shall not be commenced until details of all proposed boundary walls and fences have been submitted to and approved by the Local Planning Authority. The dwellings shall not be occupied until these have been provided in accordance with the approved details.

Reason: To enable the Local Planning Authority to assess this element of the proposal, and ensure that the scheme is completed such that there will not be any adverse affect on any neighbouring property.

12. The development hereby approved shall be constructed in accordance with detailed drawings, which shall previously have been submitted to and approved by the Local Planning Authority, showing the datum level at which it is to be constructed in relation to an agreed fixed point or O.S. datum.

Reason: To enable the Local Planning Authority to fully assess the impact of the proposal and ensure a satisfactory form of development that is in keeping with the area.

13. Prior to the commencement of development the history and current condition of the site shall be investigated to determine the likelihood of the existence of contamination arising from previous uses. The applicant (or subsequent owner of the site) shall:

- (a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

- (b) If the report indicates that contamination maybe present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance. A report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.
- (c) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that land contamination can be dealt with adequately prior to the implementation of the use hereby approved by the Local Planning Authority, in accordance with policy CP 8 and DM 1 of the adopted Taunton Deane Core Strategy.

PLEASE NOT THAT THIS CONDITION MAY NOT BE REQUIRED IN THE EVENT THAT THE E.H. OFFICER ACCEPTS THE LAND CONTAMINATION ASSESSMENT.

Notes to Applicant

1. Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site.
2. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
3. **WILDLIFE AND THE LAW.**
The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.
BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.
BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or

places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

TREES with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 01823 285500). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

PROPOSAL

Permission is sought for 7 affordable dwelling units on land of approximately 0.25 hectares in size. This equates to about 28 dwellings to the hectare. The units are arranged in terraced form, with units 1 to 4 at the front facing the New Road in a similar position to the neighbouring existing dwellings, and units 5 to 7 to the rear and parallel. The units at the front are shown with rendered walls under a pantile roof to match the neighbouring dwellings. The units at the rear are finished with brick. The materials have been purposely chosen to compliment the village character, as does the simple and understated external appearance. The scheme proposes a mixture of 1, 2, 3 and 4 bed roomed properties. A separate cycle/bin store is provided. Access to the site is gained through the driveway serving the industrial units. The site is shown served with 14 parking spaces (2 spaces per dwelling),

SITE DESCRIPTION AND HISTORY

The site lies at the western end of the village, but is still within the settlement boundary. The whole village is within the Quantock Hills Area of Outstanding Natural Beauty. The site comprises approximately 0.25 hectares of land, and was previously used in connection with an adjacent underground reservoir. To the north of the site is a terrace of render dwellings (7 - 10 Vale View, New Road, incl.). To the south lies a row of brick business units which is separated from the proposal site by its service area including parking. There are trees existing on the site, but none of these are the subject of a Preservation Order. The site lies adjacent to open agricultural fields to the east and to the west on the other side of New Road.

This proposal was the subject of a pre-application enquiry in June of this year, where the case officer supported the proposal subject to some minor elevational alterations, further research on trees, cross sections through the site, Highways advice on access and parking, and a planning obligation.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WEST BAGBOROUGH PARISH COUNCIL –

Supports the granting of permission

SCC - TRANSPORT DEVELOPMENT GROUP –

Observations awaited.

WESSEX WATER –

Advises that new water supply and waste water connections will be required from Wessex water. It appears that the proposal would affect existing water mains/public sewers within the land, and building over it, or within 3 metres of it, will not be permitted without agreement. They draw attention to the potential impact of tree planting on access to public sewers and water mains. A separate system of drainage will be required to serve the development.

DRAINAGE ENGINEER –

Notes that the FRA proposes to discharge surface water to Wessex Water Authority sewers. He is not happy that no investigation appears to have ascertained whether or not a controlled discharge could be made to a watercourse. Until such investigation has occurred, he maintains an objection.

LANDSCAPE –

Subject to suitable landscaping the proposals are acceptable.

THE QUANTOCK HILLS AONB SERVICE –

Observations awaited.

HOUSING ENABLING –

Supports the application as the development will provide a wide range of high quality affordable homes reaching Code for Sustainable Homes Level 4 and 'lifetime homes' principles to meet an identified housing need.

HOUSING STANDARDS –

All rooms should comply with the HCA space standards.

LEISURE DEVELOPMENT –

In accordance with retained Local Plan Policy C4, provision for play and active recreation should be made for the residents of the proposed dwellings.

Contributions will be required as follows:-

- £2,904.00 for each 2+ bed dwelling for children's play facilities within the vicinity of the development.
- £1,571.00 per dwelling towards active outdoor recreation.
- £209.00 per dwelling for allotment provision.
- £1,208.00 per dwelling towards community hall provision.

BIODIVERSITY –

Notes the submission of both an ecological appraisal of the site and a reptile survey. The surveys noted several common garden birds and recommends that vegetation removal should only take place outside of the breeding season. No evidence of badgers was found on site. the building on site was deemed unsuitable for roosting bats although the hedges on site are likely to be used by foraging and commuting bats. Some slow worms have been found on site in August 2013. The western roadside hedge is likely to have moderate potential for dormice. The recommendations made to compensate for loss of habitat and enhance the wildlife potential of the site are supported. Conditions have been suggested to ensure these measures are carried out.

ENVIRONMENTAL PROTECTION TEAM –

Notes that part of the site for the development is shown on maps as a sewage works. Therefore, recommends that the prior to the commencement of development the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. A condition to this affect is suggested.

Since that comment a geotechnical and geo-environmental assessment has been prepared which concludes that the site does not pose a risk to human health and that no remedial measures are required with respect to soils or the water environment. EHo have been asked for their further comments on this document.

S.C.C. (CHIEF EDUCATION OFFICER) -

Observations awaited, particularly in respect of the need (or otherwise) for contributions towards educational facilities.

Representations

1 letter of NO OBJECTION received.

PLANNING POLICIES

AONB - Area of Outstanding Natural Beauty,
SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,
CP4 - TD CORE STRATEGY - HOUSING,

SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
SP4 - TD CORE STRATEGY REALISING THE VISION FOR THE RURAL AREAS,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM4 - TD CORE STRATEGY - DESIGN,
DM5 - TD CORE STRATEGY - USE OF RESOURCES AND SUSTAINABLE DESIGN,
M4 - TDBCLP - Residential Parking Provision,
EN6 - TDBCLP -Protection of Trees, HISTORIC,

LOCAL FINANCE CONSIDERATIONS

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£ 9,513
Somerset County Council (Upper Tier Authority)	£ 2,378

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£57,081
Somerset County Council (Upper Tier Authority)	£14,270

DETERMINING ISSUES AND CONSIDERATIONS

The application site comprises approximately 0.25 hectares of previously developed land located to the east of New Road on the south western outskirts of West Bagborough. The location is characterised largely by post war and modern development consisting of semi-detached and terraced buildings with rendered elevations. The application site comprises redundant land previously used in connection with an adjacent underground reservoir. It is currently overgrown with weeds and shrubs and is of little amenity value within the street scene.

The purpose of the application is to provide a variety of modern affordable housing units, which will be made available to rent to the surrounding community. All Life Time Home requirements have been met; along with a ground floor flat which shall meet strict criteria in place for disabled units. The development will achieve Level 4 of the Code for Sustainable Homes. The proposal is for two x 1-bed units, two x 2-bed units, two x 3-bed units and one x 4-bed unit. The layout of the scheme has been driven by the existing settlement pattern in the south western part of West Bagborough, which is characterised by terraces fronting the highway with a recessed building line set back considerably behind long front gardens/open areas. Accordingly, plots 1 – 4 comprise a terrace set back from the highway to respect the recessed building line of neighbouring properties to the north. Plot 1 has a large front garden, replicating the open character of the neighbouring 6 dwellings. The retention of the covered reservoir provides an intervening open area between plots 2 – 4 giving a similar effect. All of the proposed dwellings are two storeys in height, which provides an immediately recognisable and appropriate building scale. The

ridge height and floor levels have been designed so that the ridgeline of the buildings step down below the existing terrace of houses to the north following the natural lie of the land. The proposed dwellings have been designed to compliment the village character. The architecture reflects simple rural cottages using materials prevalent within the local area, including red brick, render and brick detailing.

The Principle of Development.

The application site comprises previously-developed land within the settlement boundary of West Bagborough, as designated by the Development Plan. The site location is recognised as being suitable for small scale proposals within the settlement limit by Policy SP1 of the Core Strategy. Although at the edge of the settlement boundary, the site is located within reasonable proximity of the limited services and facilities within the village.

Although the land has been previously used/developed, independent analysis concludes that there is no pollution or environmental reason why new housing development should not proceed. Re-use of brownfield land is generally considered to be preferable to the use of greenfield sites, and in this instance, there are no environmental considerations that would indicate otherwise.

The site is adjacent to other residential properties to the north, and although there is employment uses (small business units) to the south, it is not considered that either relationship would preclude residential development.

Therefore, on all of the primary issues of principle, the proposal is acceptable.

Housing Need.

The proposal is for Council housing and will make a valuable contribution to the housing stock within the village, providing 7 affordable dwellings to suit a variety of needs for local people in accordance with adopted Core Strategy Policies CP4 and CP5. Whilst need is not a primary planning consideration, in this instance, the proposal does meet needs identified by the Council and is in line with national and local planning policy. Therefore, the need should be supported, subject to other planning considerations.

Visual Impact.

The site itself is currently well screened by existing trees and hedging. Subject to an agreed landscaping scheme to ensure retention and enhancement of the trees and hedging, the proposed new development would have very little visual impact upon the village. It would in any event continue the existing residential layout that stretches down New Round and the houses have been designed to blend in with the established design ethos of the neighbouring dwellings. For these reasons It is considered that the proposed dwellings would not look out of place, would sit comfortably within the rural street scene, and would safeguard the character of the village. Although the village is within the Quantock Hills A.O.N.B., its position within and as part of the established built framework of the village, is not considered to be

detrimental to the wider landscape setting for which the A.O.N.B. is designated. Therefore on visual impact grounds, the proposal is considered to be in accordance with policies CP8 and DM1(d) of the adopted Core Strategy.

Residential Amenity.

The property adjacent, 10 Vale View, New Road, is the dwelling most likely to be affected by this proposal. Plot 1 within the proposed layout would lie in close proximity to the side wall of the existing dwelling to the north, approximately 3.25 metres (wall to wall). There are two windows (one at ground floor and one at first floor) within the side wall of no 10 which would face the proposed unit at no. 1. However, the proposed new facing dwelling has been designed without any windows in its side elevation and this clearly responds positively to any potential for overlooking. It is not clear what rooms these 2 existing windows serve or whether indeed they are secondary windows. However I am satisfied that there would be no significant loss of light, even though the new build would be to the south, as the distance and alignment of the new build would allow for natural daylight to enter the windows. There would clearly be no loss of privacy as there are no windows proposed facing. There is some limited potential for overlooking across the rear gardens of the established terrace from the proposed new terrace of dwellings proposed at the rear of the site. However, these have again been designed without any openings on the end wall facing, and so I consider that any overlooking potential as being very limited. Given the safeguards built into the design, I consider that the proposal meets the tests of privacy and amenity required by policy DM1 of the adopted Core Strategy.

Highways

It is proposed to access the site by using the existing access from serving the industrial units to the south. This has adequate visibility onto New Road, as it was designed to cater for larger commercial vehicles movements. The amount of additional car traffic likely to be generated from this modest development will not cause capacity problems on the access road or the surrounding highway network. At the time of compiling this report, the highways observations from S.C.C. were still awaited, but it is not expected that they will be adverse. The comments will be reported to Members on the update sheet at the Planning Committee.

Parking.

14 No. parking spaces are proposed for the development which equates to 2 spaces per dwelling. There is a discrepancy between the retained local plan policy M4 and the optimum level of parking provision sought by the Somerset County Parking Strategy (2012). Whilst the proposal does not quite meet the optimum provisions of the Somerset County Parking Strategy, in this location and given the tenure of the proposed development, it is considered that two spaces per dwelling is satisfactory and would cater for likely demand.

Trees/Landscaping.

The application is accompanied by an arboricultural assessment. Those trees along the roadside boundary are retained by the proposals in order to provide effective screening in the street scene. The trees indicated for removal at the rear of the site have been agreed with the Council's tree officer. Scope exists for new planting within the development to mitigate for the loss of these trees, which can be secured by a suitably worded planning condition.

Ecology.

The accompanying ecology report identifies that the site will have some but limited impact upon protected species and their habitats. Further survey work in relation to reptiles and bats is recommended. A further reptile survey has been undertaken which identified the presence of slow worms over the survey period. A short mitigation strategy has been prepared and submitted to address this low potential for reptile presence on site. The Council's Biodiversity Officer has subsequently advised that no further bat surveys are necessary. In summary, and taking on board all of the information submitted, it is considered that the recommendations made to compensate for loss of habitat and enhance the wildlife potential of the site are sufficient (if applied to any decision to approve) such that there would be no harm caused to biodiversity. This would then meet the requirements of policy CP8 in the adopted Core Strategy.

Drainage.

It has not been concluded that the site is incapable of being satisfactorily drained. However, the Council's drainage engineer would prefer to see surface water discharged in a controlled manner to an existing watercourse, rather than to the Wessex Water Infrastructure. Negotiations are on-going in this regard. If the matter cannot be resolved before Members formally consider the application, then it would be appropriate to place a condition upon any grant of approval to ensure that the matter was concluded satisfactorily before occupation of any of the units.

Planning Obligation.

A contribution is required towards leisure development, and the details of this have been outlined above. The Council's Solicitor is currently negotiating with a view to having the required Planning Obligation completed and signed before the matter is considered by Members.

Conclusions.

The proposed development will provide much needed affordable housing in a well designed manner that will safeguard the character and amenities of the area. The proposal meets both national and local policy tests, and is considered acceptable in principle. Subject to the signing of a legal agreement, to secure a financial contribution for off-site facilities and the imposition of appropriate conditions, the proposal is considered acceptable and is recommended for approval.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: Mr J Burton Tel: 01823 356586